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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,504	12/14/2001	John O. Lamping	020087-003500US	5615

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TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

7

**Office Action Summary**

Application No.

10/017,504

Applicant(s)

LAMPING ET AL.

Examiner

Cindy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.                      6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is in response to amendments filed 03/22/04.

#### ***1. Response to Arguments***

Applicant's arguments filed 03/22/04 have been fully considered but they are not persuasive.

Applicant argues: Doerre does not teach or suggest: inputting an initial organization structure into the clustering process. In response, Doerre clearly discloses: inputting an initial organization structure into the clustering process as to categorize objects means to assign them to predefined categories or classes... see col. 14, lines 26-56.

Applicant argues: Doerre does not teach or suggest: determining a resulting organization structure based upon the processing, the resulting organization structure more closely resembling the initial organization structure...". Doerre's categorization clearly is an organization structure for the documents, see col. 13, lines 62 to col. 15, lines 20.

Applicant argues: Doerre does not teach or suggest: at least one additional category coupled to the initial organization structure. Doerre clearly discloses: at least one additional category coupled to the initial organization structure, see col. 18, lines 52-67.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**2. *Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 1 and 11, this is meaningless –any organization structure is “more closely resembling” thru an empty one.

**3. *Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 03/30/04 was filed after the mailing date of the rejection on 12/18/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

**4. *Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Doerre et al. (U.S 6446061).**

Regarding claims 1 and 11, Doerre discloses: A method and a computer aided information organization device for clustering a plurality of items, each of the items including information, guided toward an initial organization structure, the method comprising:

inputting a plurality of items, each of the items including information, into a clustering process (col. 12, lines 17-34, Doerre);

inputting an initial organization structure into the clustering process, the initial organization structure including one or more categories, at least one of the categories being associated with one of the items (col. 12, lines 35-41, Doerre);

processing using at least processing hardware the plurality of items based upon at least the initial organization structure and the information in each of the items in at least the clustering process (col. 19, lines 35-41, Doerre)

determining a resulting organization structure based upon the processing, the resulting organization structure more closely resembling the initial organization structure than if an empty organization structure or an alternative initial organization structure had been input into the clustering process (col. 14, lines 57 to col. 15, lines 20, Doerre);

storing the resulting organization structure in the one or more memories or another memory (col. 15, lines 15-20, Doerre) .

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Regarding claims 2 and 12, all the limitations of these claims have been noted in the rejection of claims 1 and 11 above, respectively. In addition, Doerre discloses: wherein the processing comprises determining a likeness level between a first item and a second item, the likeness level between two items increased if they are both similar to items in one or more of the categories of the initial organization structure col. 18, lines 25-44, Doerre).

Regarding claims 3 and 13, all the limitations of these claims have been noted in the rejection of claims 2 and 12 above, respectively. In addition, Doerre discloses: wherein the determining the likeness level between the first item and the second item comprising:

associating a first feature vector with the first item and a second feature vector with the second item, each feature vector representing information associated with each item (col. 17, lines 28-43, Doerre);

adding a first additional feature and a second additional feature to the first feature vector and the second feature vector of the first item and the second item, respectively, the first additional feature representing a first category of the initial organization structure and the second additional feature representing a second category of the initial organization structure, the first additional feature providing a degree to which the first item is similar to one or more items in the first category of the initial organization structure (col. 13, lines 63 to col. 14, lines 20, Doerre);

calculating a degree of similarity of the first item and the second item including calculating a similarity measure between the first additional feature and the second additional feature (col. 18, lines 13-24, Doerre).

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Regarding claims 4 and 14, all the limitations of these claims have been noted in the rejection of claims 1 and 11 above, respectively. In addition, Doerre discloses: wherein the resulting organization structure includes a portion of the initial organization structure and at least one additional category coupled to the initial organization structure (col. 14, lines 42-51, Doerre).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: wherein the resulting organization structure relates to the initial organization structure based upon a category similarity (col. 15, lines 1-20, Doerre).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: wherein the resulting organization structure relates to the initial organization structure based upon a similarity of hierarchy structure (col. 18, lines 52-67, Doerre).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: wherein the item is a document, a product, a person, a DNA sequence, a purchase transaction, a financial record, or a species description (col. 18, lines 25-44, Doerre).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: further comprising outputting the resulting organization structure on an output device (col. 20, lines 44-57, Doerre).

Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: wherein the processing hardware uses at least a 500 MHz clock to efficiently run the clustering process (col. 20, lines 16-30, Doerre).

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Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: wherein the plurality of items includes at least 10,000 items (col. 20, lines 32-42, Doerre).

Regarding claim 15, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, Doerre discloses: further comprising a sixth code directed to outputting the resulting organization structure, the resulting organization structure including a plurality of categories (col. 15, lines 15-20, Doerre).

Regarding claim 16, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Doerre discloses: further comprising a seventh code directed to inputting additional items using the resulting organization structure (col. 15, lines 15-20, Doerre).

Regarding claim 17, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, Doerre discloses: further comprising a sixth code directed to independently modifying the resulting organization structure using a graphical user interface (col. 16, lines 61-67, Doerre).

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claim 17 above. In addition, Doerre discloses: wherein the independently modifying is provided by a user coupled to the graphical user interface (col. 17, lines 1-6, Doerre).



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Regarding claim 19, Doerre discloses: a computer implemented method for clustering a plurality of items, the method comprising: inputting a first hierarchy, the first hierarchy includes at least one category (col. 13, lines 24-54, Doerre);

inputting a plurality of items, each of the plurality of items includes information (col. 14, lines 26-57, Doerre);

the at least one category being associated with one of the items (col. 14, lines 26-57, Doerre);

processing by the computer the plurality of items based upon at least the first hierarchy and the information in each of the items (col. 14, lines 26-57, Doerre);

determining a second hierarchy based upon the processing the second hierarchy includes a portion of the first hierarchy and at least one additional category coupled to the first hierarchy (col. 18, lines 53-67, Doerre);

storing the second hierarchy in memory (col. 14, lines 57 to col. 15, lines 20, Doerre);

assigning each of the plurality of items to a category of the second hierarchy (col. 12, lines 16 to col. 13, lines 54, Doerre).

## **6. Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pirolli et al. (U.S 5895470). System for categorizing documents in a linked collection of documents.

Hickerman et al. (U.S 6216134). Method and system for visualization of clusters and classifications.

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Keith (U.S 6629097). Displaying implicit associations among items in loosely structured data set.


Marques (U.S 6182066). Category processing of query topics and electronic document content topics.

### **7. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Cindy Nguyen  
May 24, 2004

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER